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**UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

<p>DERIVE POWER, LLC; and DERIVE SYSTEMS, INC.,</p> <p>Plaintiffs,</p> <p>v.</p> <p>EZ LYNK, SEZC; H&S PERFORMANCE, LLC; THOMAS WOOD; LANCE HUNTER; TECHIT, LLC; GDP TUNING, LLC; and POWER PERFORMANCE ENTERPRISES, INC.,</p> <p>Defendants.</p>	<p>Case No. 2:16-CV-01066-BSJ</p> <p>STIPULATED MOTION FOR ENTRY OF STIPULATED PROTECTIVE ORDER</p> <p>The Honorable Bruce S. Jenkins</p>
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Pursuant to Fed. R. Civ. P. 26(a) and DUCivR 26-2(a)(2), Plaintiffs Derive Power, LLC and Derive Systems, Inc. (collectively “Derive”) move this Court, with the consent of all Defendants, to enter a Stipulated Protective Order (“Stipulated Order”). The Stipulated Order

resolves a discrepancy within the Standard Protective Order (“Standard Order”) regarding the Qualified Recipients of Confidential Information.¹

The disclosure of Confidential Information in this case is governed by the Court’s Standard Protective Order. DUCivR 26-2(a). The Standard Order is entered in each case “without prejudice to the right of any person or entity to seek a modification [thereof] at any time . . . through stipulation.” Standard Order at ¶17. Accordingly, Derive moves (by consent) to enter a Stipulated Protective Order, which clarifies the parties’ rights to disclose Confidential Information to their directors and officers, in addition to the other Qualified Recipients listed in the Standard Order.

The sole purpose of the Stipulated Order is to resolve a discrepancy between (1) the Disclosure Agreement attached to the Standard Order; and (2) the list of Qualified Recipients in the body of the Standard Order. The Disclosure Agreement authorizes the disclosure of Confidential Information to a party’s “director, officer or employee . . . who is directly assisting in this action.” Standard Order at 18. However, while paragraph 6(b)(4) of the Standard Order lists the parties’ “employees” as Qualified Recipients of Confidential Information, that list omits the parties’ directors and officers. This discrepancy has created confusion among the parties as to who may receive Confidential Information.

Accordingly, Derive, with the consent of all Defendants, moves the Court to enter the Stipulated Order (attached as Exhibit A), which revises paragraph 6(b)(4) of the Standard Order to include “Directors, Officers, and Employees of the parties” as Qualified Recipients of Confidential Information. A proposed order entering the Stipulated Order is filed herewith.

¹ This Motion relates only to the disclosure of Confidential Information. Derive may address the disclosure of information designated Attorneys Eyes Only in a subsequent motion.

Dated this 4th day of December, 2017

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CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of December 2017, the foregoing Plaintiffs' Stipulated Motion For Entry Of Stipulated Protective Order was served on all counsel of record via the Court's ECF system.

A handwritten signature in black ink, appearing to read 'MJS', is written above a horizontal line.

Michael J. Songer